

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

MAHER BROTHERS, INC,)	ED104184
)	
Appellant,)	Appeal from the Circuit Court
)	of Monroe County
vs.)	
)	Hon. Frederick P. Tucker
QUINN PORK, LLC,)	
Defendant,)	
And)	
)	
STATE FARM INSURANCE COMPANY,)	
)	Filed:
Respondent.)	March 7, 2017

Maher Brother, Inc. (“Appellant”) appeals from a summary judgment in favor of State Farm Fire & Casualty Company (“State Farm”). We reverse and remand for further proceedings consistent with this opinion.

REVERSED AND REMANDED.

Division Three holds:

The language of the applicable insurance policy which excluded coverage for damage to property “in the care of insured” is ambiguous in that it does not identify the level of care required to trigger the exclusion. The language of the exclusion as it applies to the facts of this case is not so clear and unequivocal that it necessarily precludes Appellant’s recovery, and summary judgment was improperly granted with respect to this particular exclusion.

Opinion by: Robert G. Dowd, Jr., J.
Angela T. Quigless, P.J. and Lisa S. Van Amburg, J., concur.

Attorney for Appellant: John Michael Hark

Attorneys for Respondent: Jeffery J. Brinker & John M. Reeves

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
